

Part 1 Chapter 4: Rule Making Procedures

Rule 4.1 Mediums of Rule Submission.

- A. The agency submitting a **proposed** rule for publication in the Mississippi Administrative Bulletin shall submit four (4) documents as listed below:

1. Word version of Form 001 and 002,
2. PDF version of Form 001 and 002,
3. Word version of rule text, and
4. PDF version of rule text.

If your agency decides not to file a Concise Summary of Economic Impact Statement (Form 002), you may omit the Word and PDF versions of Form 002.

- B. The agency submitting a **final** rule for publication in the Mississippi Administrative Bulletin shall submit four (4) documents as listed below:

1. Word version of Form 001,
2. PDF version of Form 001,
3. Word version of rule text, and
4. PDF version of rule text.

- C. **Submission of a paper copy is not required.**

- D. For submissions that do not exceed five (5) megabytes (MB), the agency may use the following email address for filing with the Secretary of State's Office:
adminrules@sos.ms.gov.

- E. For submissions that exceed five (5) MB, the submission must be made through readily usable electronic storage media such as a compact disc. Further, both the storage media and any outer cover for the media must contain the following information:

1. Agency name,
2. Contact person,
3. Phone number, and
4. Email address.

The submission must be delivered to the following address:

Secretary of State's Office
Attn: Regulation and Enforcement Division
125 South Congress Street
Jackson, MS 39201

- F. The failure to include both electronic formats and the external information may result in the submission being rejected for filing. The Secretary of State reserves the right to request a paper copy of any submission and the right to reject submissions stored on outmoded or out-of-date storage media.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.2 Date of Submission. Any submission received by email or electronic storage media after midnight on a weekday, any weekend, official holiday, or on any day the Secretary of

State's Office is closed will be considered filed on the following business day that the Secretary of State's Office is open for business.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.3 Margins and Font. All rule text submitted for publication shall be formatted with 1 inch margins and single sided pages. Rule text shall be typewritten using a 12 point Times New Roman font and shall generally be single spaced with double spaces between paragraphs of rule text and between sources of authority for the rules.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.4 Authorized Forms. The following forms are required by the Secretary of State for use by agencies in submitting rules for publication in the Mississippi Administrative Bulletin:

- A. Administrative Procedures Notice Filing, SOS APA Form 001.
- B. Concise Summary of Economic Impact Statement, SOS APA Form 002.

Forms must be obtained by contacting the Regulation and Enforcement Division of the Secretary of State's Office at (601) 359-9055.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.5 Administrative Procedures Filing Notice. Each rule submitted for publication shall include a completed Administrative Procedures Notice Filing, SOS APA Form 001. This form must be included on the electronic storage media or in the email submission in both formats (Word and PDF formats) The PDF electronic image must include the required original signature of the person authorized to file rules for the submitting agency along with the typewritten name and title of the person signing the document and date. For the Word format, signature should be represented with an "/s/".

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.6 Concise Summary of Economic Impact Statement. Where required by the Administrative Procedures Act, each proposed rule shall include the Concise Summary of Economic Impact Statement - APA Form 002. This form must be included on the electronic storage media or in the email submission in both formats (Word and PDF formats). The PDF electronic image must include the required original signature of the person authorized to file rules for the submitting agency along with the typewritten name and title of the person signing the document and the date. For the Word format, the signature should be represented with an "/s/".

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.7 Reserved.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.8 Source of Authority Requirements. At the end of each submitted rule the submitting agency must identify the statutory authority (the “source”) for the adoption, amendment, or repeal of the submitted rule. The source of authority consists of a citation to the statute conferring the authority to promulgate the rule. The inclusion of the source information following the rule is for reference only and shall not be considered as substantive rule text. An example of the source of authority for the promulgation of this rule as it must appear for publication is as follows: ‘Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).’

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.9 Organization of Rule Submissions. When agencies submit rules to the Secretary of State’s Office for filing as either proposed rules or for final adoption, the organization and format described below must be followed unless otherwise approved by the Secretary of State's Office.

A. Proposed amendments to existing rules must include FOUR (4) documents:

1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 - b. Concise Summary of Economic Impact Statement (SOS APA Form 002), if required.
2. Word and PDF version of: the text of the rule if the proposed amended language is adopted and a variance consisting of the existing rule with the proposed changes and amendments indicated using a ~~strike-through~~ and underscore method. Text of the existing rule that is to be deleted should be struck through (not redacted) and new inserted text should be underscored.

B. Final adopted amendments or changes to existing rules must include FOUR (4) documents:

1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
2. Word and PDF version of: The final text of the rule as it will appear for publication in the Administrative Code and a variance consisting of the text as initially filed with the Secretary of State as a proposed amendment compared to the final adopted text with the changes indicated using a ~~strike-through~~ and underscore method. Text that is to be deleted should be struck through (not redacted) and new inserted text should be underscored. The variance should be omitted if the amendment is adopted with no change.

C. For proposed new rules agencies must include the following FOUR (4) documents:

1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 - b. Concise Summary of Economic Impact Statement (SOS APA Form 002), if required.
2. Word and PDF version of: the text of the proposed new rule.

D. For **final adoption of new rules**, agencies must include the following FOUR (4) documents:

1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
2. Word and PDF version of: the final text of the new rule as it will appear for publication in the Administrative Code and a variance consisting of the text as initially filed with the Secretary of State as a proposed new rule compared to the final adopted text with the changes indicated using a ~~strike-through~~ and underscore method. Text that should indicate deletions must be struck through (not redacted) and new inserted text should be underscored. The variance should be omitted if the rule is adopted with no change from the proposed rule.

E. For a **proposed repeal of an existing rule**, agencies must include the following FOUR (4) documents:

1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 - b. Concise Summary of Economic Impact Statement (SOS APA Form 002), if required.
2. Word and PDF version of: the rule citation, followed by the title or caption, if appropriate, and the word “REPEAL” in all caps following the rule number and title and a variance consisting of the existing rule proposed to be repealed with all text indicating deletion using a ~~strike-through~~ method. Text of the existing rule that is to be deleted should be struck through (not redacted) in a way that enables the public to clearly read the full text of the rule the agency proposes to repeal.

F. For **final adoption of a rule repeal**, agencies must include the following FOUR (4) documents:

1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
2. Word and PDF version of: the rule citation, followed by the title or caption, if appropriate, followed by the word “REPEALED” in all caps and the effective date of the repeal. An example follows:

1 Mississippi Administrative Code Pt. I, R. 4.8. Organization of Rule Submissions.
REPEALED. Effective mm/dd/yyyy.

NOTE: If the agency repeals the entire text of an existing rule, no variance as described in paragraph E.2 of this rule on final adoption is required. However, if an agency does not repeal the entire text, the rule is presented for final adoption as an amendment to an existing rule under paragraph B of this rule.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.10 Pagination Requirements.

- A. The submitting agency must include a page number at the bottom of each page beginning with the first page of rule text (not the filing notice or the Summary of Economic Impact Statement) and continuing without interruption throughout the entire submission. This includes any variance text that immediately follows. Variance text is a separate copy of a rule or set of rules that reflects the changes indicated using a ~~strike-through~~ and underscore method. **Do not re-set the pagination to page 1 for the first page of the variance text.** Consecutive, uninterrupted pagination is needed to refer to differences between existing rule text and proposed rule text in written communication. For example, the Secretary of State's Office decides to change Rules 1 – 5 of Chapter 30. The proposed text for these rules is ten (10) pages long. The variance text is fifteen (15) pages long. The Secretary of State's Office would number this submission from page 1 through page 25 consecutively.

Only final, effective rules are published in the Administrative Code. The variance text is only published in the Administrative Bulletin for the public's benefit for comparative purposes.

- B. Page numbers should appear at the bottom center of the page. Do not paginate the filing notice page (SOS APA Form 1) or the Summary of Economic Impact Statement, if filed (SOS APA Form 002).

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

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 2. PDF version of Form 001 and 002,
 3. Word version of rule text, and
 4. PDF version of rule text, ~~and~~
 - ~~5. PDF version of Economic Impact Statement.~~
- If your agency's ~~proposed rule does not~~ impose a duty, responsibility, or requirement on any person ~~decides not to file a Concise Summary of Economic Impact Statement (Form 002),~~ you may omit the Word and PDF versions of Form 002 ~~and the Economic Impact Statement.~~
- B. The agency submitting a **final** rule for publication in the Mississippi Administrative Bulletin shall submit four (4) documents as listed below:
1. Word version of Form 001,
 2. PDF version of Form 001,
 3. Word version of rule text, and
 4. PDF version of rule text.
- C. **Submission of a paper copy is not required.**
- D. For submissions that do not exceed five (5) megabytes (MB), the agency may use the following email address for filing with the Secretary of State's Office:
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- B. Concise Summary of Economic Impact Statement, SOS APA Form 002.
- ~~C. Economic Impact Statement, SOS APA Form 003.~~

Forms must be obtained by contacting the Regulation and Enforcement Division of the Secretary of State's Office at (601) 359-9055.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

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Rule 4.6 Concise Summary of Economic Impact Statement. Where required by the Administrative Procedures Act, each proposed rule shall include the Concise Summary of Economic Impact Statement - APA Form 002. This form must be included on the electronic storage media or in the email submission in both formats (Word and PDF formats). The PDF electronic image must include the required original signature of the person authorized to file rules for the submitting agency along with the typewritten name and title of the person signing the document and the date. For the Word format, the signature should be represented with an "/s/".

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.7 Economic Impact Statement. ~~Where required by the Administrative Procedures Act, each proposed rule shall include the Economic Impact Statement—APA Form 003. This form must be included on the electronic storage media or in the email submission in PDF format only.~~
Reserved.

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

Rule 4.8 Source of Authority Requirements. At the end of each submitted rule the submitting agency must identify the statutory authority (the “source”) for the adoption, amendment, or repeal of the submitted rule. The source of authority consists of a citation to the statute conferring the authority to promulgate the rule. The inclusion of the source information following the rule is for reference only and shall not be considered as substantive rule text. An example of the source of authority for the promulgation of this rule as it must appear for publication is as follows: ‘Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).’

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- A. **Proposed amendments** to existing rules must include ~~FIVE (5)~~ FOUR (4) documents:
1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 - b. Concise Summary of Economic Impact Statement (SOS APA Form 002), if required.
 2. Word and PDF version of: the text of the rule if the proposed amended language is adopted and a variance consisting of the existing rule with the proposed changes and amendments indicated using a ~~strike through~~ and underscore method. Text of the existing rule that is to be deleted should be struck through (not redacted) and new inserted text should be underscored.
 3. ~~PDF version of the Economic Impact Statement (APA Form 003), if required.~~
- B. **Final adopted amendments** or changes to existing rules must include FOUR (4) documents:
1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 2. Word and PDF version of: The final text of the rule as it will appear for publication in the Administrative Code and a variance consisting of the text as initially filed with the Secretary of State as a proposed amendment compared to the final adopted text with the changes indicated using a ~~strike through~~ and underscore method. Text that is to be deleted should be struck through (not redacted) and new inserted text should be underscored. The variance should be omitted if the amendment is adopted with no change.

- C. For **proposed new rules** agencies must include the following ~~FIVE (5)~~ FOUR (4) documents:
1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 - b. Concise Summary of Economic Impact Statement (SOS APA Form 002), if required.
 2. Word and PDF version of: the text of the proposed new rule.
 3. ~~PDF version of the Economic Impact Statement (APA Form 003), if required.~~
- D. For **final adoption of new rules**, agencies must include the following FOUR (4) documents:
1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 2. Word and PDF version of: the final text of the new rule as it will appear for publication in the Administrative Code and a variance consisting of the text as initially filed with the Secretary of State as a proposed new rule compared to the final adopted text with the changes indicated using a ~~strike-through~~ and underscore method. Text that should indicate deletions must be struck through (not redacted) and new inserted text should be underscored. The variance should be omitted if the rule is adopted with no change from the proposed rule.
- E. For a **proposed repeal of an existing rule**, agencies must include the following ~~FIVE (5)~~ FOUR (4) documents:
1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 - b. Concise Summary of Economic Impact Statement (SOS APA Form 002), if required.
 2. Word and PDF version of: the rule citation, followed by the title or caption, if appropriate, and the word “REPEAL” in all caps following the rule number and title and a variance consisting of the existing rule proposed to be repealed with all text indicating deletion using a ~~strike-through~~ method. Text of the existing rule that is to be deleted should be struck through (not redacted) in a way that enables the public to clearly read the full text of the rule the agency proposes to repeal.
 3. ~~PDF version of the Economic Impact Statement (APA Form 003), if required.~~
- F. For **final adoption of a rule repeal**, agencies must include the following FOUR (4) documents:
1. Word and PDF version of:
 - a. Notice Filing (SOS APA Form 001).
 2. Word and PDF version of: the rule citation, followed by the title or caption, if appropriate, followed by the word “REPEALED” in all caps and the effective date of the repeal. An example follows:

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Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).

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- B. Page numbers should appear at the bottom center of the page. Do not paginate the filing notice page (SOS APA Form 1) or the Summary of Economic Impact Statement, if filed (SOS APA Form 002).
- ~~C. The Economic Impact Statement (APA Form 003) should also be paginated as stated above.~~

Source: *Miss. Code Ann.* § 25-43-2.101 (Rev. 2006).